

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

Civil No: 14 -

DISH NETWORK L.L.C, ECHOSTAR
TECHNOLOGIES L.L.C., and NAGRASTAR
LLC

Plaintiffs

v.

Edgardo Carrasquillo Reyes, a/k/a “Edgardo
Carrasquillo”, “Ed Reyes”, “Frank Reyes”,
“BluebirdPR” and “Bluebird” d/b/a Generation
IKS, www.caribbeansystems.galeon.com,
and JOHN DOES 1-3

Defendant

DECLARATION OF JOHN M. McLAUGHLIN
IN SUPPORT OF PLAINTIFFS’ *EX PARTE*
MOTIONS FOR TEMPORARY RESTRAINING
ORDER, CIVIL SEIZURE/ IMPOUNDMENT
ORDER, ORDER TO SHOW CAUSE, ORDER
TEMPORARILY SEALING CASE, ORDER
FOR ASSET FREEZE, AND ORDER FOR
ACCOUNTING AND SUMMARIZATION OF
OTHER DECLARATIONS

John M. McLaughlin declares and says:

Personal Background

1. My name is John M. McLaughlin.
2. I am an attorney at law licensed to practice in the State and Federal courts of Connecticut and the Commonwealth of Massachusetts.
3. I am a partner/member in the law firm of Green, Miles, Lipton & Fitz-Gibbon, LLP of Northampton, Massachusetts.
4. I have been licensed to practice law since 1983. For the past 20 years, much of my practice has been centered on representing plaintiffs in telecommunications piracy cases. I have civilly prosecuted close to one thousand federal civil actions. I have also processed thousands of piracy claims for the largest cable and satellite television companies in the United States.

5. For a number of years I have been involved with civil prosecutions of telecommunications piracy dealers, individuals who sell and/or manufacture and/or modify and/or distribute cable and satellite telecommunications piracy devices.
6. I submit this Declaration in support of the Plaintiffs' Ex Parte Motions for Temporary Restraining Order, Civil Seizure/Impoundment Order, Order to Show Cause, Order Temporarily Sealing Case, Order for Asset Freeze and Order for Accounting and in order to give the Court certain unpublished orders and filings which references telecommunications piracy cases that could give persuasive precedent as to the Plaintiffs' pending motions. I do not make any statements in this declaration directly regarding the pertinent evidence of the Defendant's activities.
7. In the course of my practice I have worked as co-counsel with lawyers from the law firm of Daniel J. Lefkowitz. I know Attorney Lefkowitz to have a great deal of experience in civilly prosecuting telecommunications piracy distributors. In his practice he has moved to have his cases sealed and to obtain *ex parte* temporary restraining orders and civil seizure orders on many occasions.
8. I have attached a copy of the affidavit of Attorney Daniel J. Lefkowitz which was filed in another telecommunications piracy case, *CSC Holdings, Inc. v. Charles Carillo et al* 3:04 cv 1617 (JBA) (D.Conn., 2004). (The affidavit is attached hereto as **Exhibit A**). In this affidavit Attorney Lefkowitz sets forth a myriad of cases where telecommunications piracy dealers take actions to hide assets, destroy records, conceal computers, and other evasive actions.
9. Within the past six years I have civilly prosecuted thirteen other similar civil actions for the same or related Plaintiffs against similar satellite telecommunications piracy dealers or

piracy businesses where I have sought: *ex parte* orders to have the actions temporarily sealed; *ex parte* temporary restraining orders; and *ex parte* civil seizure orders, and where I have utilized declarations that are similar to the declarations which have been filed in this action. To date, the various courts in all of these actions have granted our motions and the civil seizure orders were executed without incident. The cases and the orders are:

- a. *Dish Network, L.L.C. et al v. Hipps et al* 1:2008cv00357 (E.D.N.C. 2008) (a copy of the court order granting the sealing of the case and *ex parte* the TRO/civil seizure order is attached hereto as **Exhibit B**);
- b. *Dish Network, L.L.C. et al v. Yona et al*, 1:2008cv04111 (E.D.N.Y. 2008) (a copy of the court order granting the *ex parte* TRO/civil seizure order is attached hereto as **Exhibit C**);
- c. *DISH Network, L.L.C. et al v. Bertino et al* 2:2009cv00114 (D.S.C. 2009) (a copy of the court order granting the *ex parte* TRO/civil seizure order is attached hereto as **Exhibit D**);
- d. *DISH Network, L.L.C. et al v. Stafford et al* 1:09-cv-00428-WCG (W.I.E.D. 2009) (a copy of the court order granting the *ex parte* TRO/civil seizure order is attached hereto as **Exhibit E**);
- e. *DISH Network, L.L.C. et al v. Whitehead* 3:09-cv-00532-TJC-JRK (M.D.F.L. 2009) (a copy of the court order granting the *ex parte* TRO/civil seizure order is attached hereto as **Exhibit F**);
- f. *DISH Network, L.L.C. et al v. Varga et al* 3:09-cv-00531-TJC-JRK (M.D FL. 2009) (a copy of the court order granting the *ex parte* TRO/civil seizure order is attached hereto as **Exhibit G**);

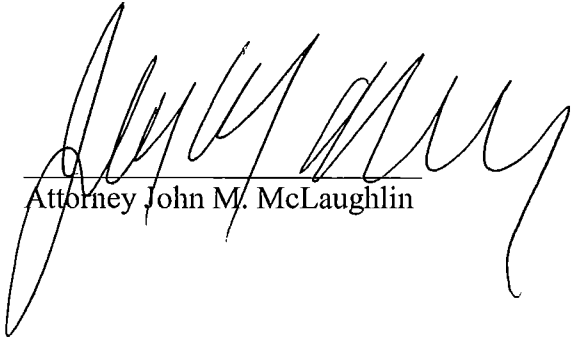
- g. *Dish Network, L.L.C. et al v. Carillo et al* No. 3:09cv1428 (SRU) (D. CT. 2009) (a copy of the four court orders granting the TRO/civil seizure order, Civil Seizure/Impoundment, and Temporarily Seal are attached hereto as **Exhibit H**);
- h. *Dish Network, L.L.C. et al v. Flores* No: 10-cv-001443 LIO GSA (E. D. Calf., 2010) (a copy of the court ruling and orders granting the *ex parte* TRO/civil seizure order is attached hereto as **Exhibit I**);
- i. *Dish Network, L.L.C. et al v. Polo* No: 2:10-cv-01374-PMP-LRL (D. N.V., 2010) (a copy of the court order granting the *ex parte* TRO/civil seizure order is attached hereto as **Exhibit J**);
- j. *Dish Network, L.L.C. et al v. Francois et al* 1:10-CV-3135-CAP (N. D. GA, 2010) (a copy of the court order granting the *ex parte* TRO/civil seizure order is attached hereto as **Exhibit K**);
- k. *Dish Network, L.L.C. et al v. Garcia et al* 10-cv-2064-JAG (D. PR, 2010) (a copy of the court order granting the *ex parte* TRO/civil seizure order is attached hereto as **Exhibit L**). and
- l. *Dish Network, L.L.C. et al v. World Cable et al* CV-11-5129 (ADS) (E.D.N.Y., 2011) (a copy of the court order granting the *ex parte* TRO/civil seizure order is attached hereto as **Exhibit M**).
- m. *DISH Network et al v. Jaime Torres Rivera et al* Civil Action No. 13-cv-1731(GAG) (D. PR, 2013) (a copy of the court order granting the *ex parte* TRO/civil seizure order is attached hereto as **Exhibit N**).

10. Through my practice I have become aware of numerous unpublished orders or decisions that I have cited in the motions/memoranda in this civil action. I have obtained true, good copies of these documents for the Court's review. These other unpublished orders and/or decisions are as follows:

- a. *EchoStar Satellite, et al v Lance Matthews et al*, 2:06-cv-00300 (C.D. Cal., 2006) (a copy of the court order granting the *ex parte* TRO/civil seizure order is attached hereto as **Exhibit O**);
- b. *DISH Network L.L.C et al v. Kluver et al*, 1:10-cv-00605-CCB (D. MD., 2010) (a copy of the court order granting the *ex parte* TRO/civil seizure order is attached hereto as **Exhibit P**);
- c. *DISH Network L.L.C et all v. Sonysat LLC et al* 2:10-cv-01337-FSH –PS (D. N.J., 2010) (a copy of the court order granting the *ex parte* TRO/civil seizure order is attached hereto as **Exhibit Q**);
- d. *CoxCom Inc v. Chaffe* 05-107 (D. R.I., 2005), (a copy of the court orders granting the *ex parte* TRO/civil seizure order and order for asset freeze and order to seal is attached hereto as **Exhibit R**); and
- e. *CSC Holdings Inc. v. Oresman* C.A. No.04-184S (D. R.I., 2004) (a copy of order regarding Plaintiffs' motion for asset freeze is attached hereto as **Exhibit S**); and
- f. *CSC Holdings Inc. v. Llascola* Case No. 04-10770-MLW (D. Mass, 2004), (a copy of order regarding Plaintiffs' motion for asset freeze is attached hereto as **Exhibit T**).

g. *DISH Network L.L.C. et al v Robert Ward* Case No. 8:08-cv-590-T-30TBM
(D M Fla 2008) (a copy of order regarding Plaintiffs' motion for summary
judgment is attached hereto as **Exhibit U**).

I declare this 11th day of July, 2014 under penalty of perjury under the laws of the United States
of America that the foregoing is true and correct.



Attorney John M. McLaughlin